IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 13648 of 2005(Y)

PETITIONER:

M/S. AYYAPPA ROLLER FLOUR MILLS LTD.,
IV/758, SOUTH KALAMASSERY, ERNAKULAM-33,
REPRESENTED BY ITS DIRECTOR, MR. SANJAY GUPTA,
AGED 39 YEARS, S/O. S.K. GUPTA.

BY ADV. SRI.P.GOPINATH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, MINISTRY OF FINANCE,
THIRUVANANTHAPURAM.

2. THE KERALA FINANCIAL CORPORATION
VELLAYAMBALAM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR.

3. DEPUTY TAHSILDAR (R.R.)
KERALA FINANCIAL CORPORATION, ERNAKULAM.

R2&3 BY ADV. SRI.M.M.SAYED MUHAMMED, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF NOTICE DT.11.7.2003 ISSUED BY R3 U/S.7 OF THE R.R. ACT.

P2: TRUE COPY OF THE WPC NO.40749/2003 FILED BY PETITIONER HEREIN BEFORE THIS HON'BLE COURT.

P3: TRUE COPY OF THE INTERIM ORDER DT.26.12.2003 IN WPC NO.40749/2003 OF THE HON'BLE HIGH COURT OF KERALA.

P4: TRUE COPY OF I.A. NO.9173/2004 IN WPC NO.40749/2003 FILED BY PETITIONER HEREIN BEFORE THE HON'BLE HIGH COURT OF KERALA.

P5: TRUE COPY OF NOTICE OF ATTACHMENT DT.12.2.2004 ISSUED BY R3 TO THE PETITIONER.

P6: TRUE COPY OF JUDGMENT IN WPC NO.40749/2003 OF THE HON'BLE HIGH COURT OF KERALA.

P7: TRUE COPY OF LETTER ISSUED ON 10.9.2004 BY THE CHIEF MANAGER, KOCHI BRANCH OF THE 2ND RESPONDENT TO THE PETITIONER.

P8: TRUE COPY OF LETTER DT.17.9.2004 SUBMITTED BY PETITIONER TO THE CHIEF MANAGER OF 2ND RESPONDENT-CORPORATION.

P9: TRUE COPY OF THE LETTER DT.17.9.2004 SUBMITTED BY PETITIONER TO THE MANAGING DIRECTOR OF 2ND RESPONDENT-CORPORATION.

P10: TRUE COPY OF THE OTS PROPOSAL DT.29.9.2003 SUBMITTED BY PETITIONER TO THE CHIEF MANAGER OF 2ND RESPONDENT-CORPORATION.

P11: TRUE COPY OF LETTER DT.17.12.2004 SUBMITTED BY PETITIONER TO THE CHIEF MANAGER OF 2ND RESPONDENT-CORPORATION.

P12: TRUE COPY OF MINUTES OF MEETING HELD ON 23.3.2005 IN THE CHAMBER OF THE ADDL. DIRECTOR OF INDUSTRIES AND COMMERCE.

P13: TRUE COPY OF SCHEME FOR REPAYMENT ALONG WITH COVERING LETTER DT.5.4.2005.

P14: TRUE COPY OF LETTER DT.19.4.2005 SUBMITTED BY PETITIONER TO THE CHIEF MANAGER OF 2ND RESPONDENT-CORPORATION.

P15: TRUE COPY OF INTERIM ORDER IN WPC 3149/2005 OF THE HON'BLE HIGH COURT OF KERALA.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.13648 of 2005

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Dated this the 3rd day of December, 2007.

JUDGMENT

Since the issue raised i.e. maintainability of revenue recovery proceedings for recovery of arrears of loan taken from KFC is covered against the petitioner by decision in AMRITHA CYBER PARK (P) LTD. V. KERALA FINANCIAL CORPORATION (2006(2) KLT 394) which was upheld by the Division Bench, this W.P. is dismissed following the said judgment.

C.N.RAMACHANDRAN NAIR
Judge

pms